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**NOTE: AN AUDIO RECORDING OF THE FULL PROCEEDINGS IS AVAILABLE THROUGH THE DEVELOPMENT SERVICES DEPARTMENT.**

**MEMBERS PRESENT:** Dale Reynolds, Don Wilkerson, Kirk Darnell, Reisse Perin and Fran Yett.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Planning Director/Administrator - Brad Hawkins-Clark and Deputy Prosecuting Attorney- Tim McNeese.

- 1. CALL TO ORDER:** Chairman Reynolds opened the public hearing at 7:02 p.m. and welcomed everyone, then explained the public hearing process.
- 2. ROLL CALL:**  
Don Wilkerson – present, Kirk Darnell – present, Dale Reynolds – present, Reisse Perin – present, Fran Yett - present.
- 3. REVIEW AGENDA:** No change to agenda.

**PUBLIC HEARING**

**1. (Continued) A Special Use Permit (#SUP-10-001) request by Shawn Nickel to allow extraction of gravel on property owned by Anthony Loucks. The applicant's 2009 proposal has been modified to eliminate the asphalt plant and reduce the number of ponds. Located at 1811 W Sales Yard Road in T 06N, R 02W, Section 25 & 26:**

No ex parte or conflicts of interest were reported.

**Staff Review:** Brad Hawkins-Clark presented the Commission with a power point presentation that included a revised mining reclamation plan and explained that the Fire District did submit a letter regarding this application. Brad discussed the exhibits that were submitted at the last hearing including, a letter from Lara Goers, color photos from an affected neighbor, a 2 page report from Department of Water Resources submitted by Shirley Brown regarding water rights and a Department of Water Resources listing of driller reports.

Applicant/representative testimony:

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**Shawn Nickel** – Representative for Tony Loucks.

You had asked me to address, with a revised plan, a berming concept we could go over this evening. We are showing a proposed 3 to 6 foot berm location along the entire southern boundary and along the entire eastern boundary, in addition we have included berming in the Northwest area near the existing home. The berms will be seeded with natural grasses and trees will be planted 15 to 20 feet apart. Regarding the fire access, we did receive a very brief letter from the Fire District. I was asked to provide you decibel levels for the generators used for de-watering, and my research shows that on worst case scenario that the level would be 85 decibels at the source for the majority of the heavy duty pumping. As you move away from the source and if the generators were at ground level the decibel level would be 61 at 320 feet and at 640 feet they would be reduced to 55 decibels which are the distances to the closest houses. You had asked me to provide the number of wells within a ½ mile radius and we counted up to 65 wells within the ½ mile radius and most of those concentrated on the east along Mill Road and to the south along South Slope Road. Our engineer has given us an estimated cost of re-drilling a typical well at \$4500.00. We are not opposed to incurring the responsibility of wells that go dry and we would be willing to work out something in writing with your attorney on how the bonding needs to be provided that my client is protected and there will be no frivolous claims. If it is proven that this excavation is responsible for the lowering of the wells then we will absolutely take the responsibility to fix the problem.

**Brad Hawkins-Clark** – I spoke with Chief Welch and he stated that as long as the existing driveway is left open, even at the current width, it will be fine for a secondary access. They would use the new road for the primary access. He did not address width requirements specifically, he stated that if this is approved, the applicant will have to work with him directly to construct the road to the minimum fire standards.

**Kirk Darnell** – Who would incur the cost to test these 65 wells at this time to see if they are going to drop?

**Shawn Nickel** – I believe we can commit to test the wells that we have submitted well logs - the wells that are close to the 30 to 40 feet - and we would agree to provide testing for those.

**Don Wilkerson** – Why are you berming along the east side of the Phase 1 pond because you are adjacent to an approved gravel pit to the east?

**Shawn Nickel** – That is one of the areas that is up for discussion. If you don't see that it is necessary to have it there, it can be changed.

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**Don Wilkerson** – Our Ordinance requires a berm to be at a maximum 3 to 1 slope, not the 4 to 1 slope that you have on the site plan.

**Shawn Nickel** – I apologize for that.

**Don Wilkerson** – I think for the protection of the people that you are doing this for the berms should be as high as possible so at that ratio they would be at 6 foot. As far as the fire access, I think at the last meeting I asked that in the access-agreement to the property to the west that you describe the width of the easement etcetera. Are you prepared to do that?

**Shawn Nickel** – We are prepared to amend the agreement. Staff has recommended that this be a post hearing action and we are in agreement to that.

**Don Wilkerson** – On your DB levels, do you have any comparison of a truck driving down the road compared to the generator?

**Shawn Nickel** – At 55 DB's that would be the sound of birds at 10 feet away. At 60 DB's that would be the sound of piano practice or an electric shaver. A normal conversation at 3-5 feet would be at 65 DB's.

**Don Wilkerson** – Before you start any work, I would imagine you would test the wells you spoke about before. Would you have any problem if we stipulated that every well under 40 feet had to be tested?

**Shawn Nickel** – That would be fine.

**Reisse Perin** – What do you think is the grade differential between the houses on South Slope and your property? If you were standing on South Slope would you be able to look over the proposed berm?

**Shawn Nickel** – I don't think it is a great decrease from South Slope to our property. Both sides of the canal slope down to the drain. I think you would be able to look over the berm.

**Reisse Perin** – I think the berm may not do any good for those homes up there.

**Shawn Nickel** – We have no problem extending the berm or building it closer to the pit if you think that will help.

**Reisse Perin** – Have you thought of any standards on how to deal with the well issues?

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**Shawn Nickel** – There are several options. One is to analyze the watering times to determine if that is drawing down a well and ultimately pay for the cost of drilling a new well if it is found that the extraction caused it.

**Reisse Perin** – You are proposing to run the business for twelve hours a day. What happens to the de-watering for the remaining twelve hours a day?

**Shawn Nickel** – It will depend on the time of the excavation. It is unknown right now. If there is a job that requires excavating several days in a row than there may be de-watering past those twelve hours. It will depend on how quickly the water recharges into the pond. If the generators can be turned off if the water isn't coming up that would be enough to stay ahead of the excavation then the generators can be turned off.

**Reisse Perin** – What alternative would you have to running the 85 DB generators at night?

**Shawn Nickel** – Quieter generators would be necessary if they are going to be running at night.

**Reisse Perin** – That seems to be a bit of a conflict, can the generators run at night if you are trying to appease the neighbors for only running for twelve hours?

**Shawn Nickel** – I guess we can leave that up to you. I look at it as two different things, one as the excavation operation and truck trips being within the ten to twelve hour period. I believe the other pits out there do run their generators at night.

**Reisse Perin** – Is it your expectation at this time to run the generators 24 hours a day?

**Shawn Nickel** – That is our request. It is hard to say right now what is going to be needed.

**Don Wilkerson** – The last meeting it was stated that hours of operation would be 7:00 to 7:00 and I believe Mr. Arnold stated that the generators would run 24 hours a day and there were no adverse comments to that.

**Shawn Nickel** – We will stick with what our engineer stated at the last meeting at this point.

**Reisse Perin** – The issue is the noise and if everyone is trying to get along, there is a big difference between having a quiet night versus the pumps whining.

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**Shawn Nickel** – I would not be against a condition that would call for a quieter generator.

**Kirk Darnell** – Is there three-phase power out there?

**Shawn Nickel** – No.

**Kirk Darnell** – So you couldn't run an electric pump, which is quite a bit quieter.

**Shawn Nickel** – The DB level I stated would be the worst case scenario.

**Reisse Perin** – The struggle is, what can we compare it to now so it won't be any worse than that?

**Shawn Nickel** – I believe the pond to the north has had generators running 24 hours a day.

**Reisse Perin** – With the de-watering, are you pretty clear on where the water is going to go?

**Shawn Nickel** – I believe the engineer testified that there will be infiltration ponds within the outline of the large ponds and it will be de-watered back into those ponds.

**Reisse Perin** – As you expand the gravel extraction area, the infiltration pond will move within that?

**Shawn Nickel** – Correct.

**Reisse Perin** – Your expectation is that the water will filter back into the groundwater?

**Shawn Nickel** – That is what was explained.

**Fran Yett** - When you gave the estimate of \$4,500.00 for the wells, what were the depths of those?

**Shawn Nickel** – 40 feet.

**Fran Yett** – So you are going to dig another well at the same depth as the well that just dried up?

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**Shawn Nickel** – That would be an additional 40 feet. So, if there was a 40 foot well that would be the cost for digging an additional 40 feet.

**Fran Yett** – It would be 80 feet then?

**Shawn Nickel** – Correct.

**Fran Yett** – It seems to me that the berm in the northwest corner is very small compared to the size of the pond. Is there a reason you didn't go all the way around the pond?

**Shawn Nickel** – In previous testimony from the property owner, he was concerned about being boxed in. We can expand on that or make it shorter or whatever will work. We are completely open to the berming locations.

**Don Wilkerson** – I think it would be appropriate that the other neighboring property owners have some input on the berming as long as it meets the County requirements.

**Public testimony:**

In Favor: None.

Neutral:

**Melinda Harper** – Idaho Rural Water Association.

My association is neutral on these applications. I do have some source water delineations of the City of Emmett Wells and surrounding private wells. Emmett does have a drinking water source protection plan. Our biggest concern as a representative of all rural water systems throughout the State is for groundwater quality and quantity. Once groundwater is intercepted and becomes surface water, it is contaminated. It may still be safe enough to drink but there is a definite impact. There are a lot of shallow private wells in the surrounding area. There is a concern of de-watering of those wells.

**Earl Defur** - 1555 W South Slope.

One issue is noise and I know that sound carries upward and I think the berms will only help the homes closest to the berms. My existing wells only go down 40-50 feet and I think if there is going to be a requirement to have wells tested that the quality of water should be tested as well.

In Opposition:

**George Schenk** – 1823 W Sales Yard.

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My first issue is the noise level. They are talking about the pumps running 24 hours a day and I listen to it now from City Transfer's pump and it runs 24 hours a day, 7 days a week and it is about a ¼ mile from my home and I can hear it just as well as I can hear my own irrigation pump in my front yard. They are talking about putting two more pumps and the phony little berm they are proposing is going to protect me from the grass he has sitting out front. Their first application showed about 75 feet between properties and now they moved it closer to 25 feet. City Transfer's pump isn't diesel it runs off power and they paid to bring power out there. They need to do the same thing if they plan on running the pumps because even the pumps are loud. He has only talked about the generator, not the pump off of the generator. I don't see where he is doing anything to help the neighbors at. I think they need to do more research and look at what they are doing to the neighborhood. One of the standards is it can't be disturbing to the neighbors and having pumps running all around me 24 hours a day is disturbing. I don't know what the berms are going to do except for give them a place to dump their dirt. I don't know if you have ever watched the pump at City Transfer, but it runs 24 hours a day and it runs through a 12 inch pipe and shoots out about 15 feet and that is only to maintain it, when they are working they have three of those pumps running. Groundwater is at 3 feet out there, I have dug enough holes to know.

**Bryce Walker** - 3920 S Mill Road.

I have done some extensive research on how sound levels can affect property values. A 6 lane freeway has a DB at 84 at the freeway fence and they are talking about an 85 DB level. In this study I did, the impact of the sound levels dropped the property values by 15 percent and that is pretty significant. Property values are sensitive to noise levels and I think this proposal is going to be a loud operation.

**Michell Schneider** – 2237 South Slope.

I lived on Schiller Road during the construction of Sawyers Ponds on Sales Yard Road. It was very noisy when those pumps were going and very disturbing. There was lots of dust from the digging and the trucks running up and down the road. It was constant turmoil. When the current pond that is going right now was being pumped, the water levels dropped 10 feet and I called the Water Resources Board, Fish and Game, and the EPA. I called everyone I could think of to call because I was very concerned about that drop. I don't see how this application will benefit Gem County at all. I don't see how we need another pond that us taxpayers will have to maintain.

**Keith Johnson** – 3909 Mill Road.

I would like to address a different issue. At the southeast corner of the proposed operation, there is a waterfowl development that was put in sometime in the 90's and it was funded by US Wildlife and Fish and Game funds. It was to be used for waterfowl nesting and hunting. The property is owned by Jerry Dugger and I manage the hunting

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access and we get about 14 trips a year. I try to emphasize youth hunting for access to that pond and I hate to see this encroachment from the gravel extraction.

**Robert Siebler – 2099 Mill Road.**

Noise is a factor, it was mentioned that the DB level was comparable to an electric razor but I don't know anyone who shaves 12 or 24 hours a day. Quality of wells is important, that is what we live on. Berms for our noise are important. The problem with more gravel pits in this area is the de-watering. At the last meeting, a gentleman mentioned that he has to clean out the wastewater ditch that runs through his property daily or it floods. With that in mind I took a drive this weekend and I drove the wastewater ditches and looked at them. Right now they are almost at maximum capacity. The wastewater ditches cannot handle anymore water. We already have 6 pits designated to go into this area and adding two more will increase the water going into the ditches. Our ground doesn't absorb water very quickly. We are talking about groundwater at four feet deep where our leech fields are. When a leech field is completely saturated the black water rises to the top. If we allow more water to go down there we are setting up this entire community for some serious issues and I think this should be examined when considering this application. We have learned as a community and a government that sometimes we make mistakes. Sometimes we don't have the best knowledge when we make a decision. We have enough ponds and enough water going through our system that we are at the point where we are going to create some health hazards and cause flooding. The wastewater ditch that they want to use was designed to handle irrigation run-off water only. As our community has grown, our residences have moved out into the County, our farm ground has depleted and our irrigation water has depleted. We are already putting more water into that ditch because it's not going onto the ground. Now if we keep adding more to it by allowing more pumps to be ran, are they going to be responsible to go the 7 miles that those ditches run and put in bigger culverts? There is a lot more at stake than just in the immediate vicinity of this property.

**Burton Briggs – 1871 W South Slope.**

The area is zoned as Rural Transitional Agriculture and the regulations state that the land lying in those unincorporated areas of Gem County are likely to undergo more intensive urban development. The regulations are designed to protect agricultural pursuits. The minimum lot size is 5 acres. The applicant has noted that the application is consistent with the activities to the north and west of the property but there is no mention about it being consistent to the residential properties to the east and south of the proposed operation. With Special Use Permit applications one would expect that there would be support from some of the surrounding businesses as well as objection from others. I am not aware of any support from anyone other than the engineer hired by the applicant. Essentially all the comments from the surrounding residences have been non-supportive.

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The applicant states that there will be a minimum of 2 trucks per hour leaving the site; this also means that there will be 2 trucks in addition coming into the site. I would suspect that if they get a contract that would require 5-7 truck trips per hour that it would supersede the special use permit conditions. My question is, if this is approved who will monitor compliance to the stipulations that are outlined in the permit. There is currently one active gravel pit operation in the area and 2 open special use permits that should not be activated. If this is approved there would be 4 pit operations at one time. The applicant stated that they would correct problems with the wells within ½ mile of their operation if it can be shown that the problems are related to the pumping of water. Is that ½ mile from the center or from the margins of this property? What evidence will be required to show that the problems are related to the proposed operation? Placing monitoring wells on site will only show what is happening on the site not what is happening off-site. I believe the application is incomplete and it should be denied.

**Al Dimmick** - 1411 W South Slope.

I concur with what Mr. Briggs just said. I was on the Comp Plan Steering Committee 5 years ago and the whole idea was to make Gem County a better place to live. That is why the zoning is what it is and that is why we are here and why you are tasked with a very tough job. I am concerned about my well and the noise.

**Don Taylor** – 2385 Airport Road.

We are downstream from these folks and we are in a very shallow water area. I have a well that I can reach down and touch water most anytime. Industrial was included in the last Comprehensive Plan north of Highway 52. This is a request for special issuance permits in residential area. Kids on Airport Road waiting for busses and getting off of busses and rocks coming out of those trucks are a concern for me. My main concern is the corner of Airport Road and Sales Yard Road. We live by the airport and I have made my living at the airport and a lot of people let airplanes drive themselves. We have had two airplane accidents where planes landed on that corner.

**Gordon Brutsman** – 1868 W South Slope.

My biggest concern is my well; it's about 45 feet deep. If they put a pit down there at 35 feet deep more and pump it out, it's pretty much a guarantee that my pump will go dry. I don't want to have to argue with the gravel company saying that I have to prove they were the cause of my well to go dry. I have been there 36 years and it has never gone dry and I don't want to have to go to court and spend a lot of money on proving why my well went dry. The noise will keep me awake because I keep my bedroom window open and it faces the pit area.

**Ramona Sloan** – 1714 W South Slope.

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I pretty much agree with everyone who has spoken before me. My concern with this all along has been the noise since my property is right next to this property and my well since it is shallow. I really feel that this will hurt my quality of life. I'm afraid of my property value going down. I think Planning and Zoning and the County Commissioners need to take a look at how they want this area to be developed and what the people of Emmett want and not to have more gravel pits out there when there are this many people against it.

**Shirley Brown** – 1842 W South Slope.

These wells that he has talked about testing came off of the IDWR well list and my well isn't on that list. What is he going to do about the wells that are not on that list that he doesn't know anything about? Any well that was drilled before 1987 were not required to be registered anywhere. It was stated in the minutes from last month that the Buchert/Schwers gravel pit will run simultaneously with this one and I think you need to consider that.

**Tracie Reed** – 3827 Mil Road.

I am concerned with quite a few issues. My well isn't registered either and there is no record of my septic at Southwest District Health. I know my well is shallow. I had a well test done this year. Are they going to consider every well up and down the road whether they are on his list or not in that radius? If he is going to have a plan for landscaping, let's see it in writing and let's start off when he builds gravel pits. If he wants to go natural go with sagebrush and don't let the cheatgrass grow and make sure someone maintains it. Are they going to have something in place that says they cannot dump concrete trucks into any of those wells? If they are going to pump water, they need to pump from one place to another and not bring anything that wasn't already there into those ponds. That would help with the well testing. The Comprehensive Plan has an area designated for Industrial and this isn't it. Allowing Industrial uses in this area will detract from the surrounding homes property values and will ruin their views.

**Kevin Stott** – 1530 W Sales Yard.

I have lived through the extraction of the Sawyer's ponds and the noise is excessive and accumulative and tends to be very vexing and annoying. Please keep this in mind while considering this application.

**Bob Payne** – 3976 Ranch Road.

I think this is a shame that someone can come in here and ruin our way of life.

**Clayton Winn** – 1675 W South Slope.

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I support all my neighbors' objections. Parking at the golf course is perpendicular to Sales Yard Road and I think that is a formula for accidents with these trucks hauling up and down the road.

**Michaela Schenk** – 1823 W Sales Yard.

I don't know if any of you has spent time at a rock pit but the constant sounds of beeping, rock crushers, large trucks, conveyor belts, pumps running, backhoes, track hoes and light shining in the night for the sake of making their business operational. I have a tape I will play for you that will give you an idea of just some of the noises and we will have these in surround sound. We will have it 360 degrees and I don't care how many berms you put in. I have firsthand knowledge, I live right next to the existing pit and we will have that multiplied three times. The reality of this is we will have to listen to this noise for the rest of our lives. I find this very disturbing. You did approve the one to the west of us and City Transfer, but does that justify taking our sanity by blocking off the rest of what we have with another rock pit? This is our home and I consider every square inch of our property our home. You cannot allow them to invade that. The idea of 7:00 to 7:00 being acceptable because the average home owner is at work is ridiculous. I can't imagine anyone not finding this disturbing. You really need to think about this because none of us will be able to go back and relax at our quiet homes. How can any of us ever call a home home? We are fighting for our homes and our lives. People have given their time and money to be here to fight this and this should speak volumes to you.

**Dan Walton** – 3621 Linn Avenue.

I run my cattle on this property right now. Two winters ago when the two pits adjacent to this property were de-watering we lost all the water for the cattle. One of the reasons I use this pasture is because there is live water. It is possible to suck the water down and this concerns me greatly. I know where you are at as a Commission, 9 years ago I was chairman of the Commission and I know it takes time of yours and I appreciate what you do and I know what you go through. Please consider what this will do long term for this community. I see no benefit to this County with the number of gravel pits we already have, there are going to be jobs and the money isn't going to stay here it will go over the hill. We need to make decisions as a group that helps our County. When you have the kind of people flowing into these meetings and not one in support of the proposal, that should tell you something. I do hope you make the right decision.

**Lara Goers** – 2615 W South Slope.

I wanted to add my name that I concur with the following points: I am concerned with lowering property values, well issues and I am most concerned about the noise. I once again encourage the Commission to require an independent sound test. For a previous application I spoke with a sound guy and based on his initial observation and our unique landscape on South Slope that as we go higher the noise is amplified.

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**Applicant Rebuttal.**

**Shawn Nickel** – We have submitted a new application that shows half the area of the original application as far as the excavation. We have excluded in writing any future cement and asphalt plants and we have relocated our access road per the concerns from the County. We have submitted a dust abatement plan, cross access agreement, road mitigation agreement which will offset any public costs to roads that are damaged by the equipment. We submitted a new reclamation plan showing future uses that meet the Comprehensive Plan, submitted an engineer's analysis of the wells and groundwater in the area and have accepted conditions on days and hours of operation and on a 1 year review to make sure the conditions of approval are being met. We committed to the responsibility of well replacement including bonding. We provided you with a revised site plan showing berming with open options of adding to that and I provided generator noise information and well replacement information. There will be safeguards in place regarding the drainage and irrigation ditches as far as what we can and can't put into those and that includes working with the irrigation districts. If necessary we will have to replace culverts and we already know of one culvert to the west that has to be replaced. If any of the conditions are violated, the permit can be revoked. We testified at the last hearing that we are willing to put monitoring wells outside of our property and we are still willing to do that. We are not proposing any diesel engines. We testified that the concept plan is just that. A lot would have to happen before any residential development could occur, like a rezone and public services built to serve that site. That is a long term plan. We are in favor of a condition that no outside dumping will occur.

**Chairman Reynolds** – It seems to me that it would be good to continue this hearing due to the amount of information that has been given to use by the public and the applicant and due to the amount of time that we need to deliberate this as a Commission. That is my opinion.

**Don Wilkerson** - I agree and if we do this there should be the stipulation that the next meeting is for the Commission to present their decision and no public testimony from the applicant or the public. And if we do this I encourage the Commission members not to discuss this amongst themselves at all.

**Reisse Perin** made a motion to continue the consideration for Special Use Permit #SUP-10-001 to August 9, 2010.

**Don Wilkerson** seconded the motion.

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**Chairman Reynolds** – I think we need to leave the public hearing open so we can ask the applicant questions.

**Don Wilkerson** – How many times have we seen these people? I think if we have questions of the applicant we need to address them to tonight and come to the next meeting with a decision.

**Reisse Perin** – Based on that statement, I would like to retract my motion.

**Robert Siebler** – 2099 Mill Road.

One thing we listened to was a proposal for a subdivision at some time. The proposed pit will be at a 2 to 1 ratio and that is not people friendly. Safety factors need to be considered.

**Kirk Darnell** made a motion to discuss and vote on Special Use Permit #SUP-10-001 tonight.

**Fran Yett** seconded the motion.

**Vote:** 2 to 2.

**Fran Yett** – in favor.

**Kirk Darnell** – in favor.

**Reisse Perin** – opposed.

**Don Wilkerson** – opposed.

**Chairman Reynolds** voted in opposition to break the tie and not vote tonight.

**Vote:** 3 to 2.

**Chairman Reynolds** – Shawn maybe you could bring us some information at the next meeting regarding the wells not included on your list since it was brought up several times tonight. It would be nice to have an answer about those wells. The thing I have is asking you to bring us some information about a wet mining operation and how that works.

**Kirk Darnell** – I would like to see information on the three phase and electric pumps. Most people use electric pumps for irrigation and they are a lot quieter.

**Tony Loucks** – Eagle, Idaho.

I will try to get Idaho Power to let me bring the three phase power to this property.

**Reisse Perin** made a motion to continue the public hearing for Special Use Permit #SUP-10-001 to the August 9<sup>th</sup> meeting with no restrictions to the continuance.

**Kirk Darnell** seconded the motion.

**Vote:** 3 to 1.

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**2. A Temporary Hardship Permit (#THP-10-00-003) request by Mary Brown to allow the temporary placement of a manufactured home for her daughter to live in for medical reasons. Located at 9350 Dewey Road. T 06N, R 03W, Section 5:**

No exparte or conflicts of interest were reported.

**Tim McNeese** – Deputy Prosecuting Attorney.

Stated that the Commission is reviewing a Temporary Hardship Permit request tonight because the Gem County Code requires a public hearing before the Zoning Commission if there is a letter in opposition to the application. He stated that he reviewed the letter in opposition and he asked that the person in opposition limit his testimony to legitimate land use issues relating to the application and not address matters not related to land use. The social background, personal habits of the applicant and the individual's lifestyle are not relevant to the issue of land use and any testimony in that regard should not be considered.

**Staff Review:** Brad Hawkins-Clark presented the Commission with a power point presentation and reviewed the application and the staff report with the Commission.

Applicant/representative testimony:

**Mary J. Brown** – 9350 Dewey Road.

She stated that her daughter is disabled and on a lot of medication and cannot be alone for long because she has seizures and blacks out. The home has been placed and it has a certificate with it, but she is not living in the home.

**Public testimony:**

In Favor:

**Alicia Strauss** – 9350 Dewey Road.

She stated that she needs to live next to her mom and even though she is disabled she can do some things.

In Opposition:

**Alan Brocksopp** – 9330 Dewey Road.

Stated he believes the applicant is trying to pull the wool over the wolf's eyes. He was concerned with the age of the home and he wanted to see the certification that the home is up to code because the home is a fire hazard. He questioned how long temporary is.

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**James Brocksopp** – 9330 Dewey Road.

Stated he is concerned with the septic system they hooked up because it may affect his water. The year of the trailer is a concern and how long the temporary use is for. He stated that he has seen lights on at night in the trailer. He wants the driveway to be brought up to code for fire access. He was concerned about his property value because of the trailer.

Neutral: None.

**Applicant Rebuttal.**

**Mary Brown.**

She stated that the driveway seen on the photos goes all the way back to the fence and there is a large yard with plenty of room for fire trucks to turn around. The septic system was approved by Brody at Southwest District Health. She increased the size of the leech field. She said she will bring a copy of the certification on the home to the Development Services Office tomorrow.

**Chairman Reynolds closed the public hearing.**

**Discussion by the Commission.** The Commission discussed the request and raised concerns about the supervision her daughter needs because of the seizures, septic, length of time the home has been on the property, the year of the trailer, building permit, timeframe for permit and the procedure for yearly review.

**Don Wilkerson** made a motion to deny the Temporary Hardship Permit #THP-10-003 on the basis that it doesn't appear that there is a need because the individual who is to live in the temporary home is already residing on the property and being taken care on the property.

**Reisse Perin** seconded the motion.

**Vote:** Unanimous.

**REGULAR MEETING**

- 1. ITEMS FROM THE PUBLIC.** None.
- 2. REVIEW OF BY-LAWS.** The Commission decided to wait until the September meeting to hold a workshop to discuss the by-laws.
- 3. APPROVAL OF THE MINUTES OF JUNE 14, 2010:**

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**Fran Yett** made a motion to approve the minutes as submitted.

**Kirk Darnell** seconded the motion.

**Vote:** Unanimous.

4. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:**
  - a. **Recent Board of County Commissioner Decisions and Hearings:**  
No discussion.
5. **ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** No discussion.
6. **ITEMS FROM THE ZONING COMMISSION:** No discussion.
7. **UPCOMING MEETINGS:**
  - a. Next regular meeting: August 9, 2010.
8. **ADJOURN:**

**Fran Yett** made a motion to adjourn.

**Kirk Darnell** seconded the motion.

**Vote:** Unanimous.

**Chairman Reynolds** closed the meeting at 10:12:44 p.m.

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Chairman Dale Reynolds